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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture
Fifty-second session

Summary record of the 1223rd meeting
Held at the Palais Wilson, Geneva, on Thursday, 6 May 2014, at 3 p.m.

Chairperson: Mr. Grossman

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* Reissued for technical reasons on 22 May 2014.

This record is subject to correction.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Initial report of the Holy See (continued) (CAT/C/VAT/1)

1. *At the invitation of the Chairperson, the delegation of the Holy See took places at the Committee table.*

2. **Monsignor Tomasi** (Holy See) said that the State party had submitted its initial report late because it had needed time to study the implications of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the Holy See and to reform its Criminal Code accordingly. The report had been submitted when the reform process was nearing completion. The Holy See was a sovereign subject of international law, independent of any authority or jurisdiction, which exercised its sovereignty over the territory of the Vatican City State. That sovereignty had been recognized internationally since the implementation of the Lateran Treaty in 1929. The primary function of the Vatican City State was to ensure the absolute freedom and independence of the Holy See. The Holy See (the Pope) was an elected monarch who entered treaties as the central organ of the government of the Catholic Church, such as concordats made with States in order to guarantee the freedom of the Church in those countries, and as sovereign of the Vatican City State, in pursuit of the domestic interests of the territory itself. There was no specific reference to any special jurisdiction for the clergy in the 1984 concordat between the Holy See and Italy. The 1933 concordat with Austria could be amended only by request of both States parties. No cleric had requested consideration under article 20 of the concordat in the previous five years.

3. The Convention had been signed for the territory of the Vatican City State. No other State party had objected to the Interpretative Declaration made by the Holy See upon its accession to the Convention. It had been the understanding of the Holy See that it would be bound by the terms of the Convention as interpreted by the Vienna Convention on the Law of Treaties, and that its obligations thereunder could be modified only by an additional protocol or amendments expressly accepted by States parties. Under canon law, agreements made by the Holy See with other States or international subjects took precedence over Vatican City State domestic law. In 2013, the definition of torture contained in the Convention had been incorporated by means of an Apostolic Letter into the Criminal Code of the Vatican City State, which was calqued on the Italian Criminal Code. Article 16 of the Convention had also been incorporated into the Criminal Code.

4. Crimes committed in the territory of the Vatican City State could be investigated and their perpetrators prosecuted by the authorities of the territory. Under the Lateran Treaty, the Vatican City State could request the assistance of Italy to provide for the punishment of crimes committed within the State, unless the perpetrator had taken refuge in Italian territory, in which case he or she would be prosecuted by the Italian authorities. Complaints about crimes were registered with the Prosecutor and Judge of the Vatican City State. Measures were in place to ensure that the alleged offender was treated fairly at all stages of criminal proceedings. Goods confiscated following a conviction could be used to compensate victims. No complaints of torture had been filed to date under the amended Criminal Code. Asylum seekers filed their applications with the Italian authorities.

5. New regulations on the treatment of prisoners were being introduced for a two-year trial period. Interpreters were provided for detainees who did not speak Italian. Facilities were arranged to suit the hygiene and dietary needs of detainees in accordance with a wide range of religious practices. Religious instruction and pastoral care were provided to all detainees, regardless of their religion. The Catholic Church, at a local level, provided

trained chaplains to serve the spiritual needs of prisoners. They also acted as advocates against torture and ill-treatment.

6. Members of the Gendarmerie Corps, the Pontifical Swiss Guard and medical practitioners in the Vatican City State received training based on the rules of the Italian penitentiary system. Gendarmerie Corps officers also received training in human rights, international humanitarian law and the principles of international criminal justice. Similar training was being introduced for the Swiss Guards. Training courses including reference to the Istanbul Protocol were being developed for medical practitioners. Students at the Pontifical Academy, where diplomats for the Holy See were trained, received human rights tuition.

7. Replying to questions by Committee members regarding cases of the sexual abuse of children by clerics, which presumably fell under the Convention, he said that he assumed the Committee, given the universal prevalence of such crimes, had shown equal interest in the matter when considering the periodic reports of other States parties. Domestic law contained provisions relating to a broad range of crimes against children. For the purposes of crimes against children, public officials were deemed to include: members and staff of the Roman Curia and related institutions, papal legates and diplomatic personnel of the Holy See, representatives and managers of entities dependent on the Holy See, and any person holding an administrative or judicial mandate in the Holy See. There was no statute of limitations on crimes against children.

8. The Pope, as supreme spiritual head of the Catholic Church, encouraged good practices adapted to pastoral needs throughout the world. However, if the Holy See were to apply the Convention to every Catholic in every nation, it would stand in conflict with international law and the sovereignty of other States. Clerics fell under the legal jurisdiction of the countries in which they resided. The recently established Pontifical Commission for the Protection of Minors had held its first meeting in early May 2014, at the conclusion of which its members had affirmed their commitment to accountability in the Church. As an advisory committee to the Pope, it would propose further initiatives to encourage local responsibility around the world and mutual sharing of best practices for the protection of minors, including training and education programmes and responses to abuse. Specific proposals would be made to raise awareness of the devastating consequences of the failure to report suspected cases of abuse and to support victims and their families. The Commission aimed to establish protocols to deal with situations where senior Church officials failed to fulfil their obligations to protect children.

9. The Congregation for the Doctrine of the Faith was investigating cases of sexual misconduct involving Cardinal Keith O'Brien and Archbishop Wesolowski. The latter, as a diplomatic agent of the Holy See, was also being investigated by the Tribunal of the Vatican City State. If the allegations were found to be credible, the cases would be adjudicated in accordance with the law.

10. The Holy See considered the right to life to be non-negotiable and, as directed by the Convention itself, condemned torture, including for those who were tortured and killed before they were born. In Canada and the United Kingdom, hundreds of babies born alive after failed abortion procedures had been left to die since 2000. Such cruel methods of late abortion, especially "dilation and evacuation" techniques, amounted to torture. Abortion was not a dimension of reproductive health services. Furthermore, attempts to dictate to the Holy See that it must change its convictions, laws and teachings constituted a direct violation of the freedom of opinion and belief. The Holy See did not impose its code on others.

11. The Holy See made every effort to conduct ecclesiastical proceedings in the case of clerics against whom credible accusations of sexual abuse of minors had been made in

territories outside the Vatican City State, without prejudice to proceedings that might be launched in the State in which the person was resident. In such cases, the Congregation for the Doctrine of the Faith applied the Motu Proprio *Sacramentorum sanctitatis tutela* in conjunction with the 1983 Code of Canon Law. Where allegations appeared to be well founded, the local bishop forwarded all necessary information to the Congregation and expressed his opinion on measures to be taken. The bishop could act to protect children by restricting the activities of any priest in his diocese before, during and after any canonical proceeding. The Congregation could authorize the local bishop to conduct a judicial penal trial or an administrative penal trial. Appeals against the outcome of such trials could be lodged with a tribunal of the Congregation. The ruling by Cardinals who were members of the Congregation was final.

12. Where priests admitted their guilt, the bishop was authorized to issue a decree prohibiting or restricting their public ministry, against which priests could appeal before the Congregation. The most severe penalty was dismissal. In especially serious cases, the Congregation could request that the Pope issue a decree of "ex officio" dismissal from the clerical state, against which there was no canonical remedy. Accused priests who admitted their guilt could request leave to return to the lay state. Since 2004, more than 3,400 credible allegations of sexual abuse of minors had been referred to the Congregation for the Doctrine of the Faith. They referred largely to cases dating back as far as the 1950s. As a result, 848 clerics had been dismissed and other disciplinary measures had been applied in more than 2,500 other cases.

13. The Holy See, through the Pontifical Commission for the Protection of Minors and programmes being implemented by national bishops' conferences, was committed to assisting other States parties in fulfilling their obligations under the Convention. Clerical and lay staff of Catholic hospitals, schools, orphanages and other institutions were subject to the jurisdiction of those States.

14. The Catholic bishops of the United States of America had contracted two independent studies into sexual abuse of minors by Catholic priests during the period from 1950 to 2010. The first of those studies, Nature and Scope, had focused on a description of the problem and its extent, while the second, Causes and Context, had sought to understand the reasons behind the phenomenon. In the period studied, it was found that 4 per cent of priests had been accused of engaging in sexual abuse of minors. A total of 10,667 cases of sexual abuse of minors by priests had been reported to dioceses by early 2003. No single cause of the phenomenon had been identified but social changes in the 1960s and 1970s had led to an increase in deviant behaviour in society at large and also among priests. Organizational, psychological and situational factors had contributed to the vulnerability of individual priests in that period. On the other hand, factors specific to the Catholic Church had contributed to a decline in the incidence of such cases in the mid-1980s. Priests who had abused minors had been found not to be, in terms of their developmental histories and psychological characteristics, statistically distinguishable from other priests.

15. In June 2002 the United States Conference of Catholic Bishops had established the Charter for the Protection of Children and Young People, a comprehensive set of procedures for addressing allegations of sexual abuse of minors by Catholic clergy. The Charter included guidelines for reconciliation, healing, accountability and prevention of further acts of abuse. Acts that had occurred before the Charter's implementation and were now brought forward would be considered subject to the Charter. Annual reports on its implementation, which drew on information from audits of all dioceses and eparchies in the United States, were prepared by the Secretariat of Child and Youth Protection.

16. Also in June 2002 the Conference had established the National Review Board, whose functions included, among others, advising the Committee for the Protection of Children and Young People on policies and practices and on the annual audit process;

reviewing the work of the Secretariat of Child and Youth Protection; consulting with the Conference president, the Committee for the Protection of Children and Young People, the Administrative Committee and other relevant Catholic Church entities on matters relating to the protection of minors from sexual abuse; and making appropriate recommendations to prevent such abuse. Since 1950, dioceses and religious orders had spent approximately $2.5 billion on settlements to victims/survivors and $78 million on therapy for them, and approximately $47 million on other costs related to the sexual abuse crisis.

17. The second example of a constructive response to the crisis by ecclesiastical authorities was the work of the National Committee for Professional Standards, a joint committee of the Australian Catholic Bishops Conference and Catholic Religious Australia. The National Committee had recently overseen the revision of conduct guidelines for clergy, lay workers and volunteers in the Catholic Church of Australia, as well as a document setting out the principles that formed the basis of the Church's response to complaints of abuse and the procedures to be followed in responding to individual complaints.

18. Regarding individual cases and other questions that would be more relevant to the Convention on the Rights of the Child, he referred the Committee to the replies provided by the Holy See during the recent review of its second periodic report to that Committee, and to its forthcoming response to the concluding observations issued by the Committee on the Rights of the Child.

19. **Ms. Gaer**, referring to the assertion by the Holy See that it could not be held responsible for compliance with the Convention outside the Vatican City State, said that, as the Holy See was a Permanent Observer to the United Nations and exercised diplomatic functions, to refrain from considering the actions of its officials and those for whom it had secured privileges through its diplomatic relations would be to create gaps in the coverage of the Convention.

20. Looking through the documentation provided by the delegation, she was confused by the fact that, while Holy See officials were considered officials of the Vatican City State for purposes of criminal law, article 3 of Law No. VIII on supplementary norms on criminal law matters, on torture, referred solely to "the public official having judicial, judicial police or law enforcement functions". Did the provisions on torture apply to all officials? Article 8 of Law VIII criminalized sexual acts with children. Was the Holy See of the view that, under that article, perpetrators of such acts could be charged with having inflicted torture?

21. Regarding the extent of the Holy See's effective control over Catholic Church activities occurring outside the Vatican City State, the Committee was persuaded that the Holy See exercised such significant control and was in a position to, among other things, compel perpetrators of acts of sexual abuse to cease committing them; order bishops to monitor the conduct of clerics reporting to them; and transfer, or prevent the transfer of, accused persons outside the jurisdictions in which the acts had occurred. Recalling the direct obligations of Vatican City State officials, including Holy See officials, under the Convention, and in particular their extraterritorial obligations, she asked whether the Holy See believed that it was doing everything possible to fulfil those obligations. If, as the delegation had stated in its responses, there had been no accusations of torture under Law No. VIII, did that mean that no charges had been filed against Archbishop Josef Wesolowski? If not, why not?

22. While the Holy See had asserted that it did not force any individual to adhere to its stance on abortion, the Committee had heard from NGOs and other sources about cases in which Holy See officials had called for blanket criminalization of abortion by other Governments, including in cases of rape, incest and endangerment of the mother's life. She asked the delegation to comment on such cases.

23. In its responses the delegation had stated that 884 clerics had been dismissed for having committed grave crimes and 2,572 had been subjected to lesser penalties. In how many of those cases had officials of the Holy See, the Vatican City State or the relevant diocese referred information about the cases to civil authorities, either voluntarily or at the latter's request? In how many cases had they not done so? How many of those subjected to lesser penalties had continued working as priests?

24. She asked the delegation to clarify the role of Holy See and Vatican City State officials in monitoring priests who had been transferred to other posts after having been found to have committed abuses. The Committee's jurisprudence on the question of whether sexual abuse constituted torture was consistent with that of a number of other courts that had found that rape and sexual abuse did constitute torture. Rulings to that effect had been made, for example, by the Inter-American Court of Human Rights, the European Court of Human Rights and the international criminal tribunals for the former Yugoslavia and Rwanda. If the delegation was not familiar with the relevant jurisprudence, the Committee would be glad to provide documentation.

25. She recalled that, under article 5 of the Convention, even if acts of torture or other ill-treatment were perpetrated in territory outside its jurisdiction, the Holy See was obligated to establish its jurisdiction over the offences if the conditions listed in article 5 were met. She asked whether the Holy See recognized its potential liability for extraterritorial offences in the case of Archbishop Wesolowski. Its comments on that topic to date had been contradictory.

26. Regarding judicial cooperation, the Committee had received information about cases in which priests had not cooperated with requests for information, and other cases in which Holy See officials had claimed diplomatic immunity when faced with requests for information. She asked the delegation to elaborate on cases in which the Holy See was cooperating with requests for information and those in which it was not, and to state why it did not cooperate in all cases. Listing particular ongoing cases, she asked how the Holy See was fulfilling its due diligence obligations in such instances.

27. **Mr. Tugushi** (Country Rapporteur) asked whether the Pontifical Commission for the Protection of Minors would focus on past cases or also work to prevent future cases. Would the new protocols being implemented prevent impunity and ensure that reporting was compulsory? Recalling cases of pregnant 9-year-old girls in Latin America being publicly humiliated by Catholic Church officials because they sought abortions, he said that such ill-treatment was especially damaging for women and girls seeking abortions after having been subjected to sexual violence, as the resulting double stigmatization made them all the more vulnerable to subsequent ill-treatment.

28. He asked whether, in the view of the Holy See, the common practice of referring cases back to the dioceses in which the complaints had originated could jeopardize impartial consideration of such cases.

29. **Mr. Modvig**, noting that the Holy See had provided information about the total cost of the treatment and compensation provided to sexual abuse victims in the United States and Australia, asked what had been the average amount of treatment and compensation provided to each victim, and whether there had been any attempt to determine whether that amount represented adequate redress for individual victims.

30. **Mr. Zhang** said that, having heard the various replies of the Holy See, he still had the impression, from reading paragraph 7 (d) of the Holy See's report, that the Holy See viewed canon law as superseding international law. He requested clarification of the matter.

31. **Ms. Belmir** emphasized that, in the Committee's view, acts of sexual abuse were crimes and constituted attacks on a victim's moral and physical integrity and personal dignity. She asked whether the Holy See would take action to put an end to such practices.

32. **The Chairperson** said that he welcomed the creation of the Pontifical Commission for the Protection of Minors and the recognition by the Holy See that addressing violence against children required a comprehensive approach. Referring to a question about the Committee's focus and drawing attention to article 1 of the Convention, he said that violence, including sexual abuse, against children was pervasive around the world and in all aspects of daily life. The plight of children was an issue that should unite all those participating in the dialogue at hand. Nonetheless, if the Holy See believed that the Committee was applying double standards, it should say so. The Committee's legitimacy depended on its being perceived as fair and impartial.

33. **Monsignor Tomasi** (Holy See) said, with regard to the question of the legislation to which Vatican officials were subject, that the Apostolic Letter of Pope Francis should be read in conjunction with Law No. VIII: Supplementary norms on criminal law matters, adopted by the Holy See in 2013. Vatican officials were subject to that law.

34. **Monsignor El-Kassis** (Holy See) confirmed that Vatican officials must abide by Law No. VIII, even if they were not members of the church. However, under article 22 of the Lateran Treaty, Italian law applied to acts committed outside Vatican territory.

35. **Monsignor Tomasi** (Holy See) said that, as the Committee had pointed out in its general comment No. 2, the sexual abuse of children could be considered torture. The Convention applied to all officials, who were punishable under the Criminal Code of the Vatican. As for the power of Vatican officials outside the Vatican City State, he emphasized the distinction between the legal capacity to impose a decision abroad — which would clearly not be acceptable to any foreign State — and the power to carry out instructions. The former Papal Nuncio, Archbishop Wesolowski, would be prosecuted in the Vatican itself, because he was a citizen of the Vatican City State. If found guilty, he would be punished accordingly. The delay was due to the fact that some documentation had not been sent to the Vatican from the Dominican Republic. The 848 clerics expelled from active ministry had been laicized: they had no formal relationship with their bishop or former superior. He did not know how many clerics had been directly referred to the civil authorities. Other clerics had not been laicized but had been asked to live in a monastery or a private place in order to ensure that they had no more contact with children.

36. The policy of transferring priests from one parish to another had been in place decades ago. In the 1960s or 1970s, difficult cases used to be sent to a psychiatrist and, if that psychiatrist said that an offender could go back to work, the offender was transferred. It had, of course, been a mistake; the culture had changed. The work done by the Catholic Church over the past 10 years, on the contrary, represented a model that other organizations could follow. He did not know the statistics of the number of offenders referred by the ecclesiastical authorities to the civil courts, but, whenever a credible accusation of sexual abuse of a minor was made, the cleric concerned was reported to the civil authorities of the State of which the cleric was a citizen. With regard to the place of detention in the Vatican, there were three cells available for men or women, but, although they had existed since the conclusion of the Lateran Treaty in 1929, they had been used for the first time in 2012.

37. **Monsignor El-Kassis** (Holy See) said, with regard to the case of Paolo Gabriele, that two experts had been appointed to look into complaints that the cell was too small. The experts had found that, at 7 m^2, the cell was large enough and it had a window. The conditions were in line with standards in Italy. As for the assertion that Mr. Gabriele's eyes had been affected by his detention, an ophthalmologist had said that his eyesight was normal for a man who habitually wore spectacles.

38. **Monsignor Tomasi** (Holy See) said, with reference to the special cases of the two pregnant girls mentioned earlier, that it was his understanding that the people who had objected to those girls having abortions were not Vatican officials but rather the local bishop and members of the local church. The Roman Catholic Church tried to be sensitive to the problems of women and to respect their physical needs, especially in pregnancy. The cases in Nicaragua and Brazil had been exceptional and should be judged as such. With regard to compensation, he was not able to tell the Committee the average amount paid. Some settlements had been made out of court. Serious efforts were made, however, to provide not just financial compensation but support that would enable people to lead a normal life. With regard to the question about the relationship between international and domestic law, he said that, under canon 3 of canon law, international law prevailed.

39. **Ms. Belmir** asked the delegation to confirm that sexual abuse amounted to a major rather than a minor offence. She also sought an assurance that, where such an offence occurred, the victim could obtain not only the conviction of the perpetrator but also reparation and rehabilitation. Lastly, she asked why, when children were taken away for adoption, they were deprived of knowledge of their parents. A person was entitled to know his or her own identity.

40. **Monsignor Tomasi** (Holy See) said that the Holy See accepted the decision of the court in the country where the case was tried as to whether an offence was major or minor. As for the third question, he wished to reiterate that the emphasis had changed and the policy of taking children of clerics or others away from their mothers had been the reflection of the culture of the time. The Holy See no longer followed that policy. The matter had been discussed with the Committee on the Rights of the Child.

41. **Monsignor El-Kassis** (Holy See) said, with regard to a question about the Holy See's position on war crimes, that Vatican law made no distinction between crimes against humanity and war crimes.

42. **Monsignor Tomasi** (Holy See) said, with regard to a point raised by Mr. Tugushi, that there was no climate of impunity in either the Vatican or local churches, but, on the contrary, a total commitment to preventing a repetition of the abuses of the past.

43. In response to Ms. Gaer's question, he said that the reason that the Papal Nuncio in Australia had not responded to the request for judicial cooperation was that the request had not gone through the proper diplomatic channels, as from one State to another. With regard to the sudden increase in the number of clerics punished but not defrocked, that was due to prudential decisions taken either by a local bishop or by the Congregation for the Doctrine of the Faith. Whether defrocked or not, such clerics were removed from contact with their victims or with children generally.

44. The question about the nuns that had run the Magdalene laundries had been discussed with the Committee on the Rights of the Child. For information, the nuns had paid compensation of US$ 240 million, but the Irish Government had mismanaged the funds and had requested more, which the nuns had refused. With regard to the monitoring of priests while their case was under investigation, the principle was that, if there was a serious allegation of sexual abuse, and the case was heard by the Congregation for the Doctrine of the Faith or a diocesan court, the priest concerned was immediately suspended, whether guilty or not. It might seem harsh, but it was better to err on the side of safety.

45. With regard to the application of the Convention, he said that the Holy See had carried out its part as a State party to the Convention and had made every effort to address the plague of sexual abuse worldwide. Indeed, its success in providing spiritual assistance was such that it could usefully be imitated by other bodies.

The meeting rose at 5.55 p.m.

United Nations CAT/C/SR.1224

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture
Fifty-second session

Summary record of the first part (public)* of the 1224th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 7 May 2014, at 10 a.m.

Chairperson: Mr. Grossman

Contents

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Second periodic report of Montenegro

* No summary record was prepared for the second part (closed) of the meeting.

This record is subject to correction.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Second periodic report of Montenegro (CAT/C/MNE/2; CAT/C/MNE/Q/2; HRI/CORE/MNE/2012)

1. *At the invitation of the Chairperson, the delegation of Montenegro took places at the Committee table.*

2. **Ms. Rabrenović** (Montenegro) said that Montenegro had been a party to the Convention since 1991 and to the Optional Protocol thereto since 2008. The second periodic report had been prepared with the cooperation of the Protector of Human Rights and Freedoms (Ombudsman) and a number of non-governmental organizations (NGOs). Many legislative and institutional reforms aimed at improving the protection and enjoyment of human rights had been carried out since the restoration of independence in 2006. The process to prepare for accession to the European Union, which had been launched in June 2012, would lead to further progress in the implementation of international human rights standards. Montenegro also attached great importance to the responsibilities that accompanied its membership of the Human Rights Council, beginning on 1 January 2013.

3. The Montenegrin Constitution guaranteed the inviolability of the physical and mental integrity of the person, prohibited torture and degrading treatment, and established a number of rights and safeguards for individuals deprived of their liberty. Experts from the European Union and a delegation from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) had noted the absence of torture in Montenegrin prisons. The three most urgent of the recommendations contained in that Committee's report — which had been made public in Montenegro — had been implemented and many real improvements had been made to prison conditions. Alternative sentencing had also been introduced in order to reduce prison overcrowding. Memorandums of cooperation had been signed with NGOs with a view to encouraging efforts to prevent torture in prisons by means of projects to train prison staff and monitor conditions of detention.

4. New laws were being developed with a view to ensuring the full independence of the judiciary. Judges would be appointed and promoted in accordance with objective criteria and an independent mechanism to monitor judicial procedures would be established. Following the adoption of the Law on Home Affairs in July 2012, the Ministry of the Interior had been assigned full operational responsibility for the police force. As part of efforts to combat trafficking in persons, the Government had adopted a national strategy for the period 2012–2018 and strengthened the relevant provisions of the Criminal Code. In order to combat domestic violence, the Criminal Code provided for the possibility of issuing a protection order or a restraining order against the perpetrator. A national plan of action on children for the period 2013–2017 had also been adopted. At the end of 2013, a plan for restructuring the Komanski Most institution, which accommodated persons with disabilities, had been adopted in order to better respond to the needs of adults afflicted with an intellectual disability.

5. Although it had already obtained encouraging results, Montenegro planned to continue its efforts to implement the Convention more effectively and looked forward to receiving the Committee's recommendations.

6. **Mr. Tugushi** (Country Rapporteur) welcomed the important progress that had been made by the State party in the development of legislation. However, it was necessary for the definition of torture contained in the Criminal Code to be brought fully into line with the one contained in the Convention. Similarly, the penalties prescribed for acts of torture

or inhuman treatment seemed too light and could well be increased, taking into account best international practices. He wished to know what safeguards were afforded to persons who could be held by the police for questioning for up to six hours, whether such persons could request the presence of a lawyer and whether they were informed that they could end the interview at any time or not reply to police officers' questions. With regard to the right to notify one's family members upon being imprisoned, the 24-hour time limit specified in the Criminal Code seemed to contradict the Constitution, which stipulated that that right entered into effect from the moment of being taken into custody. The delegation was requested to clarify whether the time of such notification was recorded and whether prisoners were informed that it had indeed been registered. According to information he had received, although the law provided for prompt, or even immediate, access to a lawyer, it was not unusual for persons deprived of their liberty not to meet the lawyer who had been officially assigned to them until the time of their initial appearance before the judge. The delegation was requested to indicate whether any measures to remedy that situation were envisaged. It would also be interesting to know whether victims of torture and ill-treatment were entitled to free legal assistance on the same terms as other categories of victims. Regarding the right to have access to a physician, it appeared that measures were needed to ensure that that right was not forfeited in prisons or even during police custody. With regard to ill-treatment by the police, particularly during questioning, there was still room for improvement in terms of bringing about a change in attitudes and giving due consideration to all complaints lodged. In particular, victims should be examined by a forensic medical examiner and investigations should be initiated immediately. Citing the example of the investigation into the acts of torture to which Aleksander Pejanović had allegedly been subjected at the hands of the police in 2008, which was referred to in paragraph 26 of the list of issues and in paragraph 145 of the second periodic report, he noted that the prosecutor had not succeeded in obtaining the names of certain unidentified officers suspected of having participated in those acts and that an internal investigation had cleared the police officers of wrongdoing. The delegation was requested to specify what measures the Government envisaged taking in order to combat impunity and to ensure that investigations into cases of torture were conducted in conformity with international standards. According to information he had received, prison medical staff systematically carried out forensic medical examinations in order to detect signs of torture in newly arrived prisoners, but such examinations were superficial at best and did not conform to existing standards. He therefore asked whether there were plans to improve those procedures so as to combat ill-treatment by the police more effectively. Noting with satisfaction that, in 2010, the State party had enacted a new law to combat violence against women, he asked the delegation to provide disaggregated data on the number of cases registered, investigations conducted and convictions handed down. He also wished to know whether victims of domestic violence could receive individual support and were informed about their rights and how to obtain help. He asked how many orders of removal from place of residence or exclusion orders against violent partners had been issued and how many persons had received compulsory treatment for drug addiction or psychosocial therapy in 2013.

7. Given that Montenegro was a country of destination and transit for victims of trafficking for purposes of sexual exploitation or forced labour, the delegation was requested to provide information on measures taken by the State party to systematically investigate cases of trafficking and to prosecute and convict persons implicated in those cases. It would also be useful to know whether police officers, judicial personnel and social workers who were actively involved with populations at risk, such as the Roma, Ashkali and Gypsy communities, had received training in the prevention of trafficking, the identification of victims and the directing of victims towards the appropriate support services.

8. **Ms. Belmir** (Country Rapporteur) requested additional information on the training of judges and, in particular, on measures taken to raise their awareness of the guidelines contained in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and on measures taken to assess the effectiveness of the training provided. She would also welcome information on the training of police officers, prison staff, border guards and medical staff in the principles set forth in the Convention, particularly with regard to mechanisms for detecting signs of torture. She also requested specifics concerning the implementation of the project on holding facilities, which was referred to in the report.

9. Noting with satisfaction that the State party had taken measures to improve the prison system and to separate prisoners who were minors from adult prisoners, she requested information on the situation of minors from vulnerable groups and on the support and legal assistance afforded to them. She also requested information on the functioning of the justice system, in particular with regard to external oversight of the activities of the courts by NGOs and others, which raised questions concerning the independence of the judiciary. In addition, the delegation should describe the role played by witnesses who cooperated with the authorities. It would also be useful to know which authority was responsible for monitoring conditions of detention in prisons and whether, in order to lodge a complaint, prisoners had any other means at their disposal besides the mailboxes designated for the receipt of their complaints. The delegation should also state whether there were any plans to establish an independent body whose aim would be to monitor compliance with the Convention in places of detention. She found it surprising that statutory limitations were imposed on the right to receive compensation in the case of an unjustified conviction or imprisonment and she asked whether there were any plans to address the problem. The delegation should also tell the Committee how many persons had claimed compensation for wrongful detention since 2012. She wished to know how many persons had been charged with war crimes, the number of convictions handed down and the length of the sentences imposed on those found guilty. Lastly, she asked what efforts were being made by the State party to combat trafficking in street children and in undocumented persons.

10. **Mr. Gaye**, noting that the State party's Criminal Code prescribed a penalty of from 1 to 8 years' imprisonment for "particularly serious offences", asked what precisely was meant by that expression when it related to acts of torture. He also wished to know whether article 11 of the Code of Criminal Procedure, which prohibited the use of violence to obtain a confession or any other type of statement, expressly stipulated that confessions or statements so obtained could not be invoked as evidence in judicial proceedings. It was problematic that prosecutors were the ones who decided whether or not it was necessary to provide legal assistance, since their role was to conduct the case for the prosecution, which meant that they were not neutral parties in the trial. Would it not be preferable for that decision to be entrusted to another authority? Article 268 of the Code of Criminal Procedure stipulated that a person under arrest could request to be examined by a doctor only when he or she was brought before the prosecutor, who made a determination concerning the request. However, the right to be examined by a doctor from the outset of the deprivation of liberty was one of the fundamental legal safeguards that must be provided to all prisoners. It would be desirable for the State party to amend its legislation accordingly. He would be interested to know whether the State party had received extradition requests during the reporting period and, if so, what action had been taken with regard to such requests, in particular in the light of the State party's obligations under article 3 of the Convention. Lastly, the delegation should comment on the composition of the Ethics Committee that was in charge of investigating police conduct and its potentially negative impact on the impartiality of investigations carried out by that Committee.

11. **Mr. Domah** asked whether the Supreme Court had delivered any decisions that gave effect to the three fundamental rights of prisoners, namely the right to be assisted by a lawyer, the right to be examined by a physician from the start of the deprivation of liberty and the right to inform a family member of one's situation. If it had, he would welcome examples of such decisions. He also wished to know whether human rights training for judges included a module that focused specifically on torture and whether the Convention, which was directly applicable by the courts, had been invoked by judges in support of their decisions. It would also be interesting to know whether article 15 of the Convention, which prohibited the use of statements obtained through torture as evidence in judicial proceedings, had been directly applied by the courts and, if so, to have examples of decisions to that effect.

12. **Mr. Zhang** Kening said that it would be useful to have an English translation of the decision adopted by the Government in December 2013 providing for the establishment of a commission to supervise the authorities responsible for conducting investigations into threats and violence against journalists. Information on measures taken pursuant to that decision would also be welcome. He wished to know what the status was of the threat assessment analysis of employees in the print and electronic media, which was to have been undertaken by the Police Directorate (paragraph 183 of the report).

13. **Ms. Gaer** asked whether the identity of the official who ordered a detention was always recorded in a prisoner's personal file. With regard to the right to be examined by a physician, she wished to know whether the opinion of the doctor chosen by the prisoner had to be endorsed by the prison physician in order to be implemented and whether there had been instances in which prisoners had not received the treatment prescribed by their chosen doctor because the prison physician had been opposed to it. The fact that no cases of sexual violence between prisoners had been reported, event though the country's prisons were overcrowded, gave rise to the question whether the problem was receiving adequate attention from the authorities and whether effective complaint mechanisms guaranteeing prisoners the opportunity to report such violence had been set up. The delegation should indicate what measures were being taken in that regard and what the status was of efforts to develop a strategy to prevent sexual violence in detention centres, which was referred to in paragraph 73 of the State party's report. In view of the State party's denial of reports that lesbian, gay, bisexual and transgender (LGBT) persons were subjected to ill-treatment by the police, the delegation should comment on the case of Zdravko Cimbaljević, an LGBT rights defender who had been forced to flee the country owing to death threats and attacks against him and the authorities' refusal to protect him. The delegation should also comment on reports that the sale of underage girls with a view to their marriage abroad was still practised by the Roma and Egyptian minorities. Lastly, she requested an explanation as to why the prison sentences handed down in rape cases amounted, on average, to 2 years and 8 months, whereas the law provided for sentences of up to 10 years' imprisonment.

14. **The Chairperson** asked what the status was of the investigation into the assault on he journalist Olivera Lakić on 7 March 2012. The delegation should explain how only 6 requests for asylum out of the 1,300 that had been received as of 17 October 2012 had been granted and why, in 5 of those cases, the individuals concerned had been granted only subsidiary protection, even though it had been established that they risked being subjected to torture if they were returned to their country of origin.

15. **Mr. Tugushi** asked whether the State party had taken positive action to improve conditions of detention in the country's prison facilities, following the less than glowing assessment by the Ombudsman in a report published in March 2013. Specifically, he wished to know whether renovation works had been undertaken in Wing A of Podgorica Prison, where conditions were particularly poor. The delegation might inform the Committee whether there were still plans to build a hospital for prisoners requiring

treatment, which had been abandoned temporarily owing to a lack of funding. It would be interesting to know whether additional resources had been allocated to the Ombudsman's Office, given the new functions it was expected to carry out in its capacity as the national preventive mechanism. A number of NGOs had reported that the Parliament was considering proposals on amending the Law on Protection of Human Rights and Freedoms of Montenegro that might have the effect of weakening the Ombudsman's role. The delegation should comment on those reports and, if possible, provide the Committee with a copy of the proposals in English. It might also indicate whether any progress had been made in drawing up guidelines on the use of restraint on prisoners. On the subject of prison overcrowding, it would be interesting to know whether, apart from the construction of a new prison, the State party had taken any steps to promote the use of non-custodial measures. Lastly, it would be useful to have information on measures taken to prevent violence among prisoners and on the implementation of the project to increase the number of guards and medical staff in prison centres.

16. **Ms. Belmir**, citing several cases of journalists who had been assaulted since 2008, including Mladen Stojović and Sonja Radošević, noted with concern that judicial proceedings had not been initiated in any of those cases. She hoped that the State party would not wait for the Police Directorate to conduct an analysis of the situation, which was referred to in paragraph 183 of its report, before taking the necessary measures to counter such attacks and the associated impunity.

17. **Ms. Rabrenović** (Montenegro) said that the majority of inmates in detention centres had been imprisoned for minor offences and that, consequently, the problem of prison overcrowding should be resolved quickly once the system of alternatives to imprisonment, which was prescribed by law for offences punishable by less than 5 years' imprisonment, had been fully implemented. The delegation would provide further details on that issue at the next meeting.

The first part (public) of the meeting ended at 12 p.m.

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Fifty-second session

Summary record of the 1225th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 7 May 2014, at 3 p.m.

Chairperson: Mr. Grossman

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Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Initial report of Guinea (continued)

This record is subject to correction.

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The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Initial report of Guinea (continued) (no symbol, HRI/CORE/1/Add.80/Rev.1)

1. *At the invitation of the Chairperson, the delegation of Guinea took places at the Committee table.*

2. **Mr. Diaby** (Guinea) said that the State party was aware that legal dispositions were in themselves not enough to ensure the protection of human rights. His country had a troubled political history that had undermined the workings of the State, and that fact had to be faced before an environment could be created in which human rights were respected. The gulf that separated legal theory from reality had to be bridged. A commission made up of representatives of the Government, national institutions, civil society, the International Committee of the Red Cross and human rights organizations had been set up to reform the Criminal Code. It was planned to abolish the death penalty and to incorporate into the Code the definition of torture as it appeared in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Torture was already prohibited under the 2010 Constitution, under which it was also established that no one could be obliged to carry out an order that was manifestly illegal, and that following orders could not be considered a mitigating circumstance for committing acts of torture or ill-treatment.

3. By law, a person charged with a crime was presumed innocent until proven guilty and had the right to a fair hearing before a court and to be represented by counsel. Indeed, defence counsel was mandatory where the defendant had an illness that prevented him or her from conducting their own defence. Under article 9 of the Constitution, a person could not be charged for an offence retroactively after it had been criminalized. Under the Code of Criminal Procedure, all forms of communication and other facilities that were compatible with prison security were permitted to detainees in pretrial detention for the purpose of mounting their defence. The letter of the law, however, was often not respected.

4. The State party had ratified the Rome Statute of the International Criminal Court. Under the 2010 Constitution, the roles of the armed forces and security services had been separated. The former were entrusted with the defence of the country's territory, and the latter were responsible for maintaining law and order, civil protection and public security.

5. Currently, justices of the peace were invested with the power to act for the public prosecution service. That system was clearly not in line with international standards and would be reviewed as part of the process of legal reform. The independence of the judiciary was guaranteed by law. Questions concerning the independence of the courts, the appointment of judges and the granting of pardons were dealt with by the Supreme Council of the Judiciary. Although sitting judges and public prosecutors were appointed by the President of Guinea, appointments were only valid once approved by the Council. The fact that the President of the State party headed the Council gave rise to the question of the involvement of the executive branch in the operation of the judiciary. However, the President did not take part in any of the Council's deliberations. The weakness of the State and the effective superiority of other sources of power, such as the armed forces and traditional chiefs, inevitably meant that the independence of the judiciary in Guinea had hitherto been compromised.

6. The Children's Code included a broad range of measures aimed at promoting the development and well-being of children in the State party. Judicial protection for young persons was guaranteed by juvenile courts. Mediation was provided for under the Code in order to obviate the need for criminal proceedings in the case of young offenders where

possible. Prison terms of not more than 3 years could be replaced by community service orders, whereby the minor would be expected to carry out 10 hours of community service a week. The reality, however, was rather different and mediation was rarely attempted. In spite of legal provisions to the contrary, minors aged 13 to 18 years who were held in police custody were generally not separated from adults. The same could be said for other forms of detention. More needed to be done to enforce the separation of detainees by sex and according to their health situation. Although desirable, regulations stating that persons whose prison terms were due to end before they reached the age of 28 should be placed in detention facilities where they could receive schooling or professional training, were not observed.

7. The Constitution guaranteed the right of asylum in Guinea to anyone who was persecuted because of their beliefs, race, ethnic background, intellectual, scientific or cultural activities, or activities in defence of freedom. However, the State party lacked the resources to implement an effective asylum policy. Under the current Code of Criminal Procedure, no one could be extradited unless charged with or convicted of offences that incurred a criminal penalty. Foreign nationals in Guinea's territory could be extradited if they had been prosecuted or convicted in criminal proceedings by the courts in the requesting State, and the minimum possible sentence for the offence was 2 years' imprisonment or, in the case of persons already convicted, a minimum of 2 months' imprisonment.

8. Varying periods of pretrial detention were established under the law according to the seriousness of the alleged offence. In no case could pretrial detention be extended beyond a period of two years. However, the system of pretrial detention had been abused for the previous 30 years. In one case, a person had been held in pretrial detention for 14 years and had never been brought before a judge. In the past, the matter of human rights simply had never arisen in public debate but public indignation at human rights violations was growing.

9. Some progress had been made on court hearings regarding the massacre of 28 September 2009 and one official had been charged with rape. Charges had also been brought against two military officers. No action had been taken in the Zogota and Soronkony cases. In the latter case, however, there had been recent reports that some of the young people involved had been released and had returned to Conakry. Further hopeful signs included the conviction of Momo Bangoura, an officer of the gendarmerie, on charges of torture and murder and his sentencing to 15 years' imprisonment, and the establishment in the State party of an impunity observatory by the Ministry of Human Rights and Public Liberties. The Ministry also planned to invite the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to Guinea, with a view to assisting the State party to embark on a period of transitional justice.

10. Turning to administrative and policy issues, he said that his Government had undertaken reforms in the security, judicial and finance sectors. Many of the reforms, such as the Status of Military Personnel Act of January 2012 and the Code of Conduct for members of the defence and security forces, responded to the country's need for measures to protect and promote human rights.

11. The judicial system was being reorganized to meet international standards in areas such as the separation of powers and fair trial guarantees. A draft decree increasing the salaries of judicial staff was on the table. If the current system did not function well, it was partly due to the working conditions of judges and the fact that other judicial workers did not enable them to do their work properly. They needed to be more accountable but also better supported.

12. The Government had begun equipping police and gendarmerie officers better so that during demonstrations, for example, they could focus on doing their work rather than on protecting themselves. That in turn would reduce violence during such events. Gendarmerie academies had been renovated and military academies had been provided with human rights training modules. A commission had been set up to introduce human rights education in primary schools. Training for judiciary workers was also being developed.

13. Guinean society suffered from serious structural problems. Harmful practices such as the toleration of impunity had long been accepted and it would take time to change them. He emphasized that, while his Government was determined to improve the human rights situation in Guinea, its partners in that endeavour must recognize the specificities of the country's past and present situation.

14. **The Chairperson**, speaking as Country Rapporteur for Guinea, said that he appreciated Mr. Diaby's frank evaluation of the situation. Welcoming the State party's intention to incorporate a definition of torture into the new Criminal Code, he asked when the Code was likely to be adopted. Had he understood correctly that the State party intended to abolish the death penalty? Would the new Code of Military Justice specify that only members of the military, and not civilians, could be tried by military courts? Such a provision was important for preventing conflicts of interest. He asked why the President officially chaired the Supreme Council of Justice if he did not actually preside over its meetings.

15. Turning to the issue of detention, he asked to what extent children were imprisoned together with adults. Did Guinea have any secret prisons? Had the facility on Kassa Island been officially closed? He added that the State party's laws on preventive detention were not clear enough to prohibit abuses. He requested confirmation that Guinea did not subject anyone to refoulement where that would constitute a violation of article 3 of the Convention.

16. With reference to article 109 of the Constitution, he asked what the "conditions established by law" for guaranteeing the permanency of judicial appointments consisted of, noting that 80 per cent of judges in Guinea held provisional appointments and could be removed at will.

17. **Mr. Gaye** (Country Rapporteur) said that there was always a gap between law and practice. When that gap became very large, urgent measures were needed. In the case of Guinea, there were measures that would cost little and bring great benefits. For example, the armed forces should return to their core role of guarding the country's borders, while the task of maintaining public order should be left to the police and the gendarmerie.

18. The poor conditions prevailing in prisons, for both inmates and staff, were another area requiring immediate attention. Prison workers required training to bring their behaviour up to civil service standards and discourage corruption. A number of measures that would not involve additional costs could be implemented to reduce overcrowding in the prisons, such as introducing alternatives to imprisonment, including community service.

19. He asked to what extent the legal provision allowing persons deprived of liberty immediate access to legal counsel was actually implemented. Such persons required legal assistance both upon being taken into custody and during legal proceedings.

20. Turning to the issue of impunity, he asked whether the public figures incriminated by an international commission of inquiry in connection with the events of 28 September 2009 had been indicted for their role in those events. He stressed that it was unacceptable that two leading figures in an attack on the President's home continued to occupy their posts.

21. He asked for information on any cases brought under the State party's legislation prohibiting female genital mutilation. The State party might wish to consider ratifying the Optional Protocol to the Convention as that would enable it to establish a national preventive mechanism. On the issue of reparations, specifically in relation to the Diaré case, he recalled the civil responsibility of the State in cases where State officials were involved in acts of torture, and requested additional information in that regard.

22. **Mr. Modvig**, welcoming the fact that the Minister for Human Rights personally conducted prison visits, recalled the importance of ensuring that such visits were unannounced so as to ensure that conditions were not staged. Systematic prison monitoring by NGOs should be considered; it would simply require NGOs to be granted full and unlimited access to places of detention. He would be interested to hear the delegation's views in that regard.

23. **Ms. Gaer** asked whether the recommendations of the commission of inquiry into the events of 28 September 2009 were being followed. Noting the extremely serious accusations made in the commission's report, including the allegation that the Guinean authorities had deliberately destroyed the traces of the violations committed with the aim of concealing the facts, she wondered whether anyone had been held responsible or charged and whether there had been any further investigation into the claims of deliberate concealment.

24. **Mr. Zhang** said that, despite the cultural and historical complexity of the situation in Guinea, there could be only one international standard for the protection of human rights, and the principle of *pacta sunt servanda* must apply. He asked the delegation to comment on what the Committee could do to support the implementation of the Convention in Guinea.

25. **Mr. Domah** expressed concern at the State party's attitudes towards the challenges to be overcome, and the fact that shortcomings were being justified on historical grounds. Many of the legislative, administrative and judicial measures required to comply with the obligations under the Convention did not require significant resources.

26. **The Chairperson** asked the delegation to comment on progress being made in respect of the inquiry into the events of 28 September 2009. He stressed the importance of not allowing the cover-up to be swept under the carpet. He would be interested to hear more about what was being done in the area of trafficking in persons. Noting the extremely high rate of female genital mutilation, he asked whether there had been any convictions in that regard, what budget had been allocated to addressing the problem and what institutions were involved.

27. **Mr. Diaby** (Guinea) said that the State party's acceptance of the relevance and legitimacy of the Convention and the Committee's work was not in doubt. The delegation had simply sought to explain the complex context in which the Convention was being implemented in Guinea, not to make excuses or appeal for special treatment. The Government was aware of the shortcomings and the social, political and even moral challenges the country faced.

28. A variety of stakeholders, including human rights organizations, were involved in the current review of the Code of Criminal Procedure. It had originally been hoped that the new draft would be ready for consideration in the current legislative session, but it had been decided to submit it for the next session in April 2015 so as to allow enough time to bring the Code fully in line with the Constitution and international obligations. There was no reason to believe that the draft would not be adopted at that time. With regard to the death penalty, the Government was currently working with the European Union to prepare Guinean society for abolition. That the death penalty would eventually be abolished was not in doubt, but efforts were being made to ensure that the process was peaceful.

29. With regard to the concerns in relation to the military courts, the problem had been resolved following a visit by a European Union delegation. All crimes other than military acts currently came under the jurisdiction of the ordinary courts.

30. Guinea drew on the experiences of other countries in a number of areas, and had also done so in the past. However, there was always the risk that in so doing it might also adopt flawed practices or legal provisions. For example, the problems in relation to the independence of the judiciary had actually been carried over from the 1958 Constitution of France, which had served as a model for many francophone West African countries. There had been no cases of refoulement to a country where an individual was at risk of torture. In fact, Guinea had recently taken in a Chadian journalist who was at risk in his home country and had been expelled from another country in the region.

31. On the issue of pretrial detention, he acknowledged that the situation in Guinea was not in line with the Convention. In partnership with civil society, a structure would be set up to monitor pretrial detention. Teams were currently working throughout the country to identify persons whose detention had exceeded the legal limits or who had been detained arbitrarily. The State would spare no effort in addressing the situation. All necessary measures were being taken also to tackle impunity, as it was clear that the situation needed to change. Officially, the last secret prison had been closed in 2010. He invited the NGO representatives who had alleged that such prisons continued to exist to provide a list with exact details. All such substantiated claims would be investigated by the Ministry of Human Rights.

32. With regard to the discrepancy between the State's laws and actual practice, Guinea was aware of the urgent need to address that problem. The State party would welcome the Committee's support in that regard. A comprehensive approach was required to deal with the many challenges appropriately.

33. The armed forces were no longer involved in law enforcement, for example during mass demonstrations. By law, only the police and the gendarmerie were responsible in that area. On the issue of access to legal counsel, he stressed that there was a dire shortage of lawyers in the country — there were only 225 lawyers for a population of 11 million — and there were virtually none outside the capital. Efforts were being made to ease the situation. For example, with funding from an American NGO, a system of paralegals was being set up to cover areas outside Conakry, and a number of associations were working to provide assistance to children in conflict with the law.

34. There had been no convictions for female genital mutilation. In fact, the United Nations Children's Fund (UNICEF) had recently prepared a report aiming to identify the reasons for the lack of progress with its programme to eradicate the practice. A television campaign had recently been launched on the subject. The fact that the cost for female genital mutilation had increased because the practice was being carried out clandestinely and it was difficult to find practitioners showed that the situation was changing. Efforts were being made to retrain the practitioners of female genital mutilation so that they could replace their source of income.

35. The State party planned to ratify the Optional Protocol to the Convention during the next legislative session. There was no system of reparations in the country, and none had been made in the Diaré case. With regard to prison monitoring, efforts had been made in the past to make unannounced visits, but the prison authorities had tended to warn those in other prefectures that visits were under way. With regard to the events of 28 September 2009, many steps had been taken but it was acknowledged that much remained to be done and that the process needed to be accelerated. The State was committed to ensuring that real justice was done.

36. **The Chairperson** thanked the delegation for its candour and the constructive exchange of views.

37. **Mr. Diaby** (Guinea) said that his country was fully committed to cooperating with all of the United Nations treaty bodies and other international human rights mechanisms.

The meeting rose at 6 p.m.